Case 2:00-cv-01218-RLH-LRL Document 1-394069 Filed 10/06/00 Page 1 of 30

CV-S-00-1218



CV-S-00-1218-0001



10/06/2000



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MITCHELL D. GLINER, ESQ. ĺ Nevada Bar #003419 3017 West Charleston Boulevard 2 Suite 95 Las Vegas, NV 89102 3 (702) 870-8700 Attorney for Plaintiff 4 5 6 7 TOBY D. NELSON, 8

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UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

Plaintiff,

vs.

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LAW OFFICES MITCHELL D. GLINER 3017 W, Charleston Blvd. 14

Suite 95

Las Vegas, Nevada 89102

(702) 870-8700

CHASE MANHATTAN MORTGAGE CORPORATION, a New Jersey corporation, qualified to do business in the State of Nevada,

Defendant.

CV-S-00-1218-KJD-RJJ

SIX PERSON JURY DEMANDED

COMPLAINT

JURISDICTION

The jurisdiction of this Court attains pursuant to the FCRA, 15 U.S.C. Section 1681(p), and the doctrine of pendent jurisdiction. Venue lies in the Southern Division of the Judicial District of Nevada as Plaintiff's claims arose from acts of the Defendant perpetrated therein.

PRELIMINARY STATEMENT

The Plaintiff brings this action for damages based upon 2. Defendant's violations of the Fair Credit Reporting Act, 15 U.S.C § 1681 et seq. (hereinafter referred to as "FCRA"), and of state

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law obligations brought as pendant claims pursuant to N.R.S. 598C.160.1 and other pendant claims resulting from defamation of credit, negligent infliction of emotional harm and invasion of privacy. Plaintiff seeks actual damages, punitive damages, costs and attorney's fees.

- 3. Plaintiff is a natural person and is a resident and citizen of the State of Nevada and of the United States. Plaintiff is a "consumer" as defined by § 1681a(c) of the FCRA.
- Manhattan Mortgage Corporation, Defendant Chase information (hereinafter "Chase"), is а furnisher of contemplated by FCRA § 1681s-2 (b), who regularly and in the ordinary course of business furnishes information to one or more reporting agencies about consumer transactions or consumer experiences with any consumer.

FACTUAL ALLEGATIONS

- 5. Plaintiff's creditworthiness has been repeatedly compromised by the acts, obduracy and general indifference of the Defendant.
- 6. In 1998, Plaintiff, as a co-signatory with Anthony Projetti, acquired a residential mortgage with the Defendant. Shortly thereafter, Projetti declared bankruptcy.
- 7. Plaintiff has since paid the noted mortgage in a timely manner.
- 8. In September, 1998, Plaintiff acquired a copy of his credit profile from Experian Information Solutions, Inc. (Experian). Plaintiff's desire to acquire the same stemmed from difficulties encountered regarding the acquisition of financing.

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These problems began immediately subsequent to Proietti's bankruptcy filing.

- 9. A copy of the letter sent to both Experian and Defendant detailing both the misreporting of the subject account and difficulties attendant thereto is attached as Exhibit 1.
- 10. Attached as Exhibit 2 is Chase's apologetic letter of January 4, 1999, which explicates both its position and rationale. Chase's original reporting failed to make the distinctions noted in Exhibit 2.
- 11. Defendant's explication fundamentally and completely failed to take into account the misleading nature of its policy. Plaintiff has still encountered tremendous difficulties in acquiring credit despite the impartations to the various credit reporting agencies referenced in Exhibit 2. Said difficulties relate specifically to the Chase account.
- 12. A copy of the relevant portion of Plaintiff's Experian Report, dated January 27, 1999, is attached as Exhibit 3. The comments inserted by the Defendant continue to reference Proietti's bankruptcy on Plaintiff's account.
- 13. Defendant has also irreconcilably indicated that the subject account was both <u>never late</u> and <u>past due</u>. "Certainly reports containing factually correct information that nonetheless mislead their readers are neither maximally accurate nor fair to the consumer who is the subject of the reports." <u>Koropoulos v. Credit Bureau</u>, Inc., 734 F.2d 37, 40 (1984).
- 14. On or about March 10, 1999, Plaintiff received the Equal Credit Opportunity Act Declination Notice, dated March 6, 1999, attached as Exhibit 4. Exhibit 4 reflects that Plaintiff was

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denied credit based upon the specific "updated" language imparted by Defendant to Experian (aka TRW) as reflected in Exhibit 3.

- 15. On or about March 10, 1999, Plaintiff received a copy of his Equifax Credit Report, dated March 5, 1999, the relevant portion of which is attached as Exhibit 5. Exhibit 5 reflects that Defendant failed to report the results of its investigation in accordance with FCRA § 1681s-2(b)(1)(D).
- 16. On March 7, 1999, Plaintiff again disputed the Defendant's tradeline as contained in his Equifax Report, dated December 3, 1998 (Exhibit 6).
- 17. A copy of the relevant portion of Plaintiff's Equifax Report, dated April 16, 1999, generated in response to Exhibit 6 is attached as Exhibit 7. Exhibit 7 reflects that despite Plaintiff's additional entreat to Defendant to accurately report his tradeline, the Defendant continues to violate FCRA § 1681s-2(b)(1).
- 18. In May, 1999, Plaintiff again disputed the Defendant's tradeline, however, this time the dispute was sent directly to one of Equifax's counsel who agreed in accordance with the FCRA to delete any reference to the bankruptcy (Exhibit 8). As a result Defendant was compelled to do what it had heretofore refused to.
- 19. In June, 1999, Plaintiff again disputed the Defendant's tradeline, however, this time the dispute was sent directly to one of Experian's counsel who agreed in accordance with the FCRA to delete any reference to the bankruptcy (Exhibit 9). As a result Defendant was compelled to do what it had heretofore refused to.

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- 20. Attached as Exhibit 10 is the dispute conveyed to Trans Union LLC (TUC), dated December 2, 1998, which imparted that the noted bankruptcy was that of a joint obligor under the Chase Note and not that of Plaintiff's. The dispute was conveyed by TUC to Chase.
- 21. Exhibit 10 also imparted that the inclusion of the bankruptcy in Plaintiff's profile was impeding his access to credit.
- 22. Attached as Exhibit 11 are the relevant pages of Plaintiff's January 8, 1999, TUC Profile. Exhibit 11 reflects both the deletion by TUC of the bankruptcy reference and no late payment history of any kind.
- 23. Attached as Exhibit 12 is AT&T's denial, dated April 28, 2000, based upon the bankruptcy reinserted by Chase in Plaintiff's TUC Profile.
- 24. The relevant page of Plaintiff's TUC Profile, dated May 11, 2000, is attached as Exhibit 13. Exhibit 13 reflects the reinsertion by Chase of the bankruptcy reference. Exhibit 13 also reflects a "late payment history" dating back to 1997.
- 25. The exhibits reflect that the account ascribed to Defendant was "reverified" as "correct." There is no evidence that Defendant took the necessary steps to obtain the pertinent documents, which would enable it to evaluate Plaintiff's contentions. <u>Cushman v. Trans Union Corp.</u>, 115 F.3d 220, 222 (3rd Cir. 1997).
- 26. Defendant failed to investigate Plaintiff's dispute in accordance with FCRA § 1681i. A furnisher of information cannot simply re-verify. ". . . In a reinvestigation of the accuracy of

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credit reports, a [furnisher of information] must bear some responsibility for evaluating the accuracy of information obtained " Stevenson v. TRW, INC., 987 F.2d 288, 293 (5th Cir. 1993).

- 27. The aforementioned constitutes <u>per se</u> violations of FCRA § 1681i which requires that Defendant follow reasonable procedures to assure the maximum possible accuracy of the information contained in Plaintiff's credit profiles. <u>Guimond v. Trans Union</u> Information Co., 45 F.3d 1329, 1333-34 (9th Cir. 1995).
- 28. Defendant could have verified the inaccuracy of Plaintiff's derogatory credit entry simply by producing the relevant documentation. Defendant's failure to properly verify relative to this "point of correspondence" constituted a further violation of FCRA § 1681i. Thompson v. San Antonio Retail Merchants Ass'n, 682 F.2d 509, 513 (5th Cir. 1982).

STATEMENT OF CLAIM AS AGAINST DEFENDANT

- 30. In the entire course of its action, Defendant willfully and/or negligently violated the provisions of the FCRA in the following respects:
 - a. By willfully and/or negligently failing to comport with FCRA § 1681s-2(b).

PRAYER FOR RELIEF

THEREFORE, Plaintiff prays that the court grant the following relief as against Defendant:

- a) actual damages;
- b) punitive damages;

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c) attorney's fees; and

d) costs.

Respectfully submitted,

MITCHELL D. GLINER, ESQ.

Nevada Bar #003419

3017 West Charleston Boulevard

Suite 95

Las Vegas, NV 89102 Attorney for Plaintiff

EXHIBITS

December 2, 1998

CERTIFIED MAIL RETURN RECEIPT REQUESTED

EXPERIAN ATTENTION: NCAC P.O. Box 2104 Allen Texas 75002

Re: TOBY D. NELSON/CREDIT DISPUTE

Dear Sir

Please be advised that this letter constitutes a formal request to investigate disputed matters in my recent Credit Report, and subsequently, appropriately delete/amend the same. For your convenience, I have provided the relevant portion of my recent Credit Profile.

I have never declared bankruptcy. The Chase Manhattan Mortgage Account was included in the bankruptcy of a joint obligor under the mortgage note. Please delete all references to the bankruptcy. It is impairing my credit. Do not verify unless you produre the actual bankruptcy filing bearing my name -- none exists!

Enclosure

cc: Chase Manhattan Mortgage via Centified Mail, Return Receipt Requested

TOBY D NELSON 5320 WHITE COYOTE PLACE LAS VEGAS, NV 89130

HOW TO READ THIS REPORT:

AR EXPLARATORY ENCLOSURE ACCOMPARIES THIS REPORT. IT DESCRIBES YOUR CREDIT RIGHTS AND OTHER HELPFUL INFORMATION. IF THE ENCLOSURE IS MISSING, OR YOU HAVE QUESTIONS ABOUT THIS REPORT, PLEASE CONTACT THE OFFICE LISTED ON THE LAST PAGE.

AS PART OF OUR FRAUD-PREVENTION PROGRAM, ACCOUNT NUMBERS MAY NOT FULLY DISPLAY ON THIS REPORT.

YOUR CREDIT HISTORY:

THIS INFORMATION COMES FROM PUBLIC RECORDS OR ORGANIZATIONS THAT HAVE GRANTED CREDIT TO YOU. AN ASTERISK BY AN ACCOUNT INDICATES THAT THIS ITEM MAY REQUIRE FURTHER REVIEW BY A PROSPECTIVE CREDITOR WHEN CHECKING YOUR CREDIT HISTORY. IF YOU BELIEVE ANY OF THE INFORMATION IS INCORRECT, PLEASE LET US KNOW.

ACCOUNT

1

DESCRIPTION

* CHASE MANHATTAN MTGE
200 W OLD WILSON BRIDGE
WORTHINGTON ON 43005
FINANCE
ACCT #
300583XXXX

THIS CONVERTIONAL REAL ESTATE MORTGAGE WAS OPENED 02/02/95 AND HAS 30 YEAR REPAYMENT TERMS. YOU HAVE USE OF THIS ACCOUNT. ORIGINAL AMOUNT: \$119,956.

AS OF 02/15/98, THIS ACCOUNT IS INCLUDED IN OR DISCHARGED THROUGH BANKRUPTCY CHAPTER 7, 11 OR 12. PREVIOUSLY WAS CURRENT AND ALL PAYMENTS WERE MADE ON TIME. MONTHS REVIEWED: 15. PAYMENT HISTORY: 9--CCCCCCCCC CC

TIMES LATE: 30=0, 60=0, 90+=0, DEROG=1.

Balance History: The original amount of this account was \$119950. Your balance was: 11/15/97 = \$116904, 10/15/97 = \$116904, 09/15/97 = \$117110, 08/15/97 = \$117231, 07/15/97 = \$117231, 06/08/97 = \$117432, 05/07/97 = \$117550, 04/07/97 = \$117667, 03/07/97 = \$117783, 02/07/97 = \$117898, 01/08/97 = \$118013.

Chase Manhattan Mortgage Corporation 3415 Vision Drive Columbus, OH 43219 1-800-848-9136 Customer Service 1-800-582-0542 TDD / Text Telephone

January 4, 1999⁻

Toby D. Nelson 5320 White Coyote Place Las Vegas, NV 89130

Dear Mr. Nelson:

Thank you for taking the time to contact us regarding the status of your mortgage reported to credit bureau. Chase understands the concern of our mortgagors regarding their credit reports and would like to explain how reporting on accounts affected by bankruptcy occurs.

At the time we receive notice of a bankruptcy filing, we are required to note the appropriate account is in bankruptcy, regardless of whether the account is current or past due, to prevent contact with the party(ies) involved in violation of the bankruptcy laws. The notation of the bankruptcy filing is then translated monthly to the credit bureaus to whom Chase reports with the industry standard verbiage "Debt includes in or discharged through Bankruptcy". This status is not a reflection of which of the borrowers actually filed bankruptcy, but merely a statement that the account itself is affected by a bankruptcy filing. The payment status of the mortgage is not altered by the notation of the bankruptcy.

It is the responsibility of every prudent lender, or other concerned party who is considering extending credit, to carefully review any report which includes this industry standard statement. This should include reviewing the current status of the debt; determining whether the account is a Single or Joint account; and reviewing the Public Records which would indicate whether the consumer/borrower in question had actually filed the bankruptcy action or whether a co-borrower filed.

We apologize for any inconvenience this standard reporting has caused you. Though we have correctly reported that the account is in bankruptcy, as a courtesy to you, we will send letters to the credit bureaus indicating the account has been affected by a bankruptcy filed by one, but not all, of the borrowers and asking that they add this statement to your reported to alert any potential new lenders. If the issue arises again, you should clarify with the prospective lender that you were not the party who filed bankruptcy.

If you have any additional concerns, please call 1-800-848-9136.

Sincerely,

Edwin C. Taylor

Chase Manhattan Mortgage Corporation

Bankruptcy Department

Report date

NOSTEN ELYDOMAGE Report number Prepared for ...

21,73095418-0146664102

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Experian

Page 1 of 12

ff you have questions For all questions about this report, please call

Cycom

Credit information about you

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P.O. Box 2106 Alien TX 75013-2106

M - F 7:30 am - 7 pm and Set 8 am - 5 pm 1 888 690-8086

Recognition of

Expense or for other To learn more about

The following shows the revision(s) made to your file as a result of our verification. If you still question an rem, then you may want to contain the source of the About our verification process

Correction Summary

The federal Fair Credit Reporting Act states that you mak?

information personaliy.

- request a describbon of now we verified the information, including the outsiness name and address contacted and the telephone number; if reasonably Evaliable; - add a statement disputing the accuracy or completeness of the information; and

- reguest that we send these results to offendations who have reviewed your report in the past two years for employment purposes or skillnowns for any other purpose (tweive morns for residents of Maryand and New York)

TVZ AEGVZ NA 86130-1933 2330 MHILE COKOLE L LOBA DOALE NELSON

EXHIBIT 3

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Prepared for III Report number

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January 27, 1999 Questions?

Call 1 888 690-8086

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Information affecting your creditworthiness

may have a potentially negative effect on your future credit extension and are tems listed with dashes before and after the number, for example -1-. issed first on the report.

Credit grantons may carefully review the items listed below when they check your credit history. Please note that the account information connected with some public records, such as pankhotop, aso may appear with your creat accounts listed later in this report.

Credit information about you

Document 1

Source/ Account number (execut per few nims)	Sate cooned/	Jane of same	Total	i erzoczynie	Creat innt or orginal amount/	Most recent	ument
-i- AT&T WIRELESS SERVICES 1600 SW 4TH AVE PORTLAND OR 97201 21100000001828	2-:995/ 2-:995	/966; -Z	S.C. Mortasi	individua	S38 / S104	;	id/cument, was past due 30 day vast que: s of ::-!998 unt is scheduled to continue on di::-2005.
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Document 1-394069 Filed 10/06/00 Page 16 of 30

U.S. BANK NATIONAL ASSOCIATION 601 SECOND AVENUE SOUTH MINNEAPOLIS, MINNESOTA 55402

March 6, 1999 REF: 990541412200

TOBY D NELSON 5320 WHITE COYATE PL LAS VEGAS, NV 89130

Fargo, ND 58126-6345

DEAR TOBY D NELSON:

U.S. BANK RECEIVED A CREDIT APPLICATION ON YOUR BEHALF FROM TOYOTA WEST FOR AN AUTO/LIGHT TRUCK LOAN. \dagger

UNFORTUNATELY, WE WERE UNABLE TO APPROVE YOUR APPLICATION AT THIS TIME UNDER THE TERMS REQUESTED DUE TO.

A BANKRUPICY FILING ON YOUR CREDIT BUREAU REPORT

OUR DECISION WAS BASED IN WHOLE OR IN PART ON INFORMATION OBTAINED FROM A CONSUMER CREDIT REPORTING AGENCY. YOU HAVE THE RIGHT TO A COPY OF YOUR CREDIT BUREAU REPORT. TO OBTAIN ONE, PLEASE SEND A COPY OF THIS LETTER WITH A WRITTEN REQUEST TO THE CREDIT REPORTING AGENCY LISTED BELOW WITHIN 60 DAYS FROM THE DATE YOU RECEIVE THIS LETTER.

UNDER THE FAIR CREDIT REPORTING ACT, PLEASE UNDERSTAND THAT THE AGENCY DID NOT MAKE THIS DECISION AND WILL NOT HAVE ANY INFORMATION ON WHY THE ACTION WAS TAKEN. IF YOU BELIEVE YOUR CREDIT BUREAU REPORT IS INCOMPLETE OR INCORRECT, YOU HAVE THE RIGHT TO DISPUTE THE INFORMATION BY CONTACTING THE AGENCY LISTED BELOW.

KTRW CONSUMER ASSISTANCE CENTER, P.O. BOX 949, ALLEN, TX 75002, 800-682-7654

IF YOU HAVE ANY QUESTIONS, PLEASE CALL OUR OFFICE AT THE NUMBER LISTED BELOW.

SINCERELY,

PAT BARNS CREDIT DEPARTMENT 1-701-461-3040

EXHIBIT 4

EQUAL CREDIT OPPORTUNITY ACT NOTICE

The federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, aga [provided the applicant has the capacity to enter into a binding contract); because all or part of the applicants income derives from any public essistance program; or because the applicant has in good faith searcleed any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law concerning this creditor is the Office of the Comptroller of the Currency, Customer Assistance Unit, 1301 McKlinney Avenue, Builte 2710, Houston, TX 77019.

Notice to Weshington Residents: Weshington state faw against discrimination prohibits discrimination in credit transactions because of race, creed, color, national origin, sex, merital status, or the presence of any sensory, mental or physical disability or the use of a trained guide dog or service animal by a disabled person. The Washington State Human Rights Commission administers compliance with this law.

(800)270-3435

TOBY DOYLE NELSON 5320 WHITE COYOTE PL LAS VEGAS NV 89130

DATE 03/05/99 SOCIAL SECURITY NUMBER 436-41-9202

Company Name			CRE	DIT	HIS								
SEARS	Compar	y Name	Account Number				Loot		Tores	·			Date Reported
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SAULE MAE-FEELP 436419202101 1 09/91 62 12/98 1864 24 487 11 0 CITIBANK - VISA ADUBNI IN ALC COLUMN IS EREDIT LINII FIRST USA BANK CREDIT CARD 4128003131647031 1 02/91 94 01/99 3100 105 3086 R1 0 FIRST USA BANK A1713994039479 1 01/91 12 12/98 116 4657 R1 1 ATAI VIRELESS SERVIC 21100000001828904 1 02/99 33 09/98 0 0 D1 0 BEHEFICIAL MAITOMAL 7001183002186292 1 12/96 23 12/98 3000 28 1724 R1 1 MSB/HOHE PLACE ANDUNI IN H/C COLUMN IS CREDIT LINII MSB/HOHE PLACE ANDUNI IN H/C COLUMN IS CREDIT LINII MSB/HOHE PLACE ANDUNI IN H/C COLUMN IS CREDIT LINII FIRST USA BANK NA 11220627480191 1 01/91 90 10/98 3000 116 Q R1 1 FIRST USA BANK NA 11220627480191 1 01/91 90 10/98 3000 116 Q R1 1 CREDIT CARD 65697391 1 10/89 99 09/94 749 0 R1 1 CHASE HAMMINATAM MORE 3009830659 S 02/93 08/98 1HCLUDED IN BANKRUPICY OR REAL ESTATE MORIGAGE MONIGOMERY/WARDS CP48-0299-1095039 1 11/93 15 12/99 0 0 R 0 FAID ACCOUNT TRANSFERRED OR SOLD REAL ESTATE MORIGAGE MOHIGOMERY/WARDS CP48-0299-1095039 1 11/93 15 12/99 0 0 R 0 PAID ACCOUNT TRANSFERRED OR SOLD REAL ESTATE MORIGAGE MOHIGOMERY/WARDS CP48-0299-1095039 1 11/93 15 12/99 0 0 R 0 FAID ACCOUNT TRANSFERRED OR SOLD SUDE CHARGE STATE MORIGAGE MOHIGOMERY/WARDS CP48-0299-1095039 1 11/93 15 12/99 0 0 R 0 FAID ACCOUNT TRANSFERRED OR SOLD SUDE CHARGE STATE MORIGAGE MOHIGOMERY/WARDS CP48-0299-1095039 1 11/93 15 12/99 0 0 R 0 FAID ACCOUNT TRANSFERRED OR SOLD SUDE CHARGE STATE MORIGAGE MOHIGOMERY/WARDS CP48-0299-1095039 1 11/93 15 12/99 0 0 R 0 FAID ACCOUNT TRANSFERRED OR SOLD SUDE CHARGE STATE MORIGAGE ROUNT TRANSFE		CHARGE	:	:	. 08/91	: 04	. 01799	. 38	:	. •	:	AL	01/99
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AMOUNT IN H/C COLUMN IS CREDIT LINIT FIRST USA BANK CREDIT CARD A117113954039479 I 01/91 12 12/98 116 4697 R1 1 A1417 WIRELESS SERVIC 2100000001828904 I 02/99 33 09/98 0 0 01 0 BENEFICIAL NATIONAL 7001163002186292 I 12/96 23 12/98 3000 28 1724 R1 1 BENEFICIAL NATIONAL 7001163002186292 I 12/96 23 12/98 3000 28 1724 R1 1 HSB/HOME PLACE 6011639100413878 I 02/99 46 12/98 800 0 R1 1 HSB/HOME PLACE 6011639100413878 I 02/99 46 12/98 800 0 R1 1 FIRST USA BANK, NA 1122027480191 I 01/91 90 10/98 9300 116 0 R1 1 FIRST USA BANK, NA 1122027480191 I 1 01/91 90 10/98 9300 116 0 R1 1 CREDIT CARD 63697351 I 10/83 99 09/94 749 0 R1 1 CHASE HANHATIAN HORI 3003830659 S 02/99 08/98 INCLUDED IN BANKRUPICY OR REAL ESTATE HORIGAGE 3110000383065 J 02/99 08/98 INCLUDED IN BANKRUPICY OR REAL ESTATE HORIGAGE 8110000383065 J 02/95 20 11/96 119K W 0 11 1 ACCOUNT INAMSFERRED DR SOLD 12/86 35 06/94 700 0 R1 0 JC PENNEY 076-446-0299-1099095 I 11/93 19 12/95 0 0 R 0 JC PENNEY 76-446270599130 I 12/86 35 06/94 700 0 II 0 JC PENNEY 76-426270599130 I 12/86 37 06/94 204 0 R1 0 STUDENT LOAN HARKETI 436419202102 I 03/89 12 05/95 2290 27 0 11 0 STUDENT LOAN HARKETI A56419202102 I 09/91 12 03/93 1864 22 0 II 0 STUDENT LOAN HARKETI A56419202101 I 09/91 12 03/93 1864 22 0 II 0 FORHER/OTHER ADDRESS 1401 EUCLID, NIAHJ BEACH, FL 33139 FORHER/OTHER ADDRESS 3191 KEY LAROD, DR LAS VEGAS, NV, B9120 LAST REPORTED EMPL - D P N 3641	•		: 436419202101 AH	1	09/91	62	12/98	1864	24	487	:	11	01/99
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### HSB/HOME PLACE ### AMOUNT IN #/C COLUMN 15 CREDIT LIMIT FIRST USA BANK, NA ### 11220627480191 1 01/91 90 10/98 3300 116 9 R1 1 ### ACCOUNT IRANSFERRED OR SOLD CREDIT CARD DILLARDS CREDIT CARD **CREDIT CARD **TO 08/98 INCLUDED IN BANKRUPTCY **O 11 1 **ACCOUNT IRANSFERRED OR SOLD **CREDIT CARD **CREDIT CARD **CREDIT CARD **CREDIT CARD **TO 0	BEHEFICIA	CHARGE	:		12/96	23	12/98	3000	28	1724		Aı	12/98
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March 7, 1999

CERTIFIED MAIL RETURN RECEIPT REQUESTED

EQUIFAX P.O. Box 74024t Atlanta, Georgia 30374

Re: TOBY D. NELSON/CREDIT DISPUTE

Dear Sir:

Please be advised that this letter constitutes a formal request to investigate disputed matters in my recent Credit Report, and subsequently, appropriately delete/amend the same. For your convenience, I have provided the relevant portion of my recent Credit Profile.

I have never declared bankruptcy. The Chase Manhattan Mortgage Account was included in the bankruptcy of a joint obligor under the mortgage note. Please detete all references to the bankruptcy. It is impairing my dredit. Do not verify unless you produce the actual bankruptcy filing bearing my name -- none exists!

I am providing both my required identifying information, as well as a recent VISA bill sent to my home.

Name: Toby D. Netson

Spouse's First Name: H/A

Present Home Address: 5320 White Coyote Place Las Vegas, Nevada 89130

Previous Addresses: 5320 White Coyote Place (for last 5 years has Vegas, Nevada 89130 including Zip Codes)

Social Security Number: 436-41 9202

Year of Birth: 1965

Very Louly yours,

Toby D. Nelson

(800)270-3435

DATE 12/03/98 SUCIAL SECURITY NUMBER 436-41-9202 DATE OF BINTH 08/10/65

1084 DOYLE NELSON 5320 WHITE COYOTE PL EAS VEGAS NV 89130

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MGM.GBAND HOTEL, INC.

3799 LAS VEGAS BOULEVARD SOUTH LAS VEGAS, NEVADA 89109

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LAS VEIGAS NV 890.12/19/98

TOBY D NELSON 5320 WHITE COYOTE PL 89130 LAS VEGAS, NV

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FIRST BANKCARD CENTER P. O. BOX 60640 NEW ORLEANS LA 70160

5320 WHITE COYOTE PL LAS VEGAS NV 89130-1632

TOBY D HELSON

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٧V FIRST BANKCARD CENTER

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1000400011FWeet110/06/06 Page 21 of 30 ALLANIA, GA 30374

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TOBY DOYLE HELSON 5320 WHITE COYOTE PI LAS VEGAS NV 89130 DATE 04/16/99 SOCIAL SECURITY NUMBER 436-41-9202 DATE OF BIRTH 08/10/65

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(800)896-7073

TOBY DOYLE NELSON 5320 WHITE COYOTE PL LAS VEGAS NV 89130 DATE 06/04/99 SOCIAL SECURITY NUMBER 436-41-9202 DATE OF BIRTH 08/10/65

Page 22 of 30

CREDIT HISTORY Data Reported **Account Number** Company Name Bulance Post 4840 126 4417113954039475 I :01/91 116 104/99 FIRST USA BANK CREDIT CARD I1 :04/99 9-57028005; I :02/99 :01 :04/99 16K 66M 16K ONYX ACCEPTANCE CORP. AUTO R1 : 04/99 AAAA 4128003133847031 I :02/91 :97 04/99 CITIBANK - VISA 04/99 4-06683324482 I 08/91 91 04/99 38 O R1 NEIMAN MARCUS CHARGE 04/99 BENEFICIAL NATIONAL 7001163002186252; I : 12/96 : 27 .04/99 3000 39 1739 R1 AMOUNT IN HIC COLUMN IS CREDIT LIMIT 29 514 11 04/99 436419202102 I 03/89 65 03/99 SALLIE MAE-FFELP : STUDENT LOAN 436419202101 1 09/91 65 03/99 1864 24 425 Т1 :04/99 SALLIE MAE-FFELP : STUDENT LOAN SLER FINANCIAL C. 46489480 I :07/94 :57 :03/99 >>> PRIOR PAYING HISTORY - 30(01)60(00)90+(00)02/97-12 <-14K 361 1899 11 04/99 CHRYSLER FINANCIAL C 575888091720: I :06/93 :71 :08/96 ۵ R1 : 05/99 MACY'S WEST/GECCCC CHARGE AMOUNT IN H/C COLUMN IS CREDIT LIMIT 05/99 CG31-7227-0138364 1 06/98 11 04/99 2267 52 HOMEDEPOT/HBGA CREDI 04/99 3005830659 CHASE MANHATTAN MORT 01/99 LACE 6011659100413878 I AMOUNT IN H/C COLUMN IS CREDIT LIMIT HSB/HOME PLACE 02/95 47 01/99 02/99 550 0 R1 8498-0784957317133; I : 10/98 : 04 : 02/99 SEARS AMOUNT IN H/C COLUMN IS CREDIT LIMIT: AT&T WIRELESS SERVIC ESS SERVIC 21100000001828904 I 02/95 33 09/98 PAID ACCOUNT/ZERO BALANCE ٥ Ô 01 01/99 FIRST USA BANK, NA 11220627480191 I 01/91 90 10/98 5300 ACCOUNT TRANSFERRED OR SOLD CREDIT CARD R1 11/98 1116 E MORTGAGE 3110000583065 J 02/95 20 11/96 ACCOUNT TRANSFERRED OR SOLD REAL ESTATE MORTGAGE 119K 1K ٥ 11 : 11/96 CHASE HOME MORTGAGE 03/95 MONTGOMERY/WARDS CP4B-0299-1095055 I 11/93
PAID ACCOUNT/ZERO BALANCE ٥ 12/93 06/94 : 06/94 700 76-426270599130 I 12/86 J C PENNEY CO 55 J C PENNEY CHARGE 76-426270599120 1 12/86 204 ٥ : 06/94 STUDENT LOAN MARKETI: 43641920 ACCOUNT TRANSFERRED OR SOLD STUDENT LOAN 436419202102 I 03/89 12 05/93 2250 27 ٥ 11 05/93 STUDENT LOAN MARKETI: 11:05/93 436419202101. 1 09/91 12 05/93 ACCOUNT TRANSFERRED OR SOLD STUDENT LOAN ***** ADDITIONAL INFORMATION FORMER/OTHER ADDRESS 1401 EUCLID, MIAMI BEACH, FL, 33139 FORMER/OTHER ADDRESS 3151 KEY LARGO, DR. LAS YEGAS. NV. 89120 LAST REPORTED EMPL - D P N COMPANIES THAT REQUESTED YOUR CREDIT HISTORY 06/04/99 EQUIFAX - DISCLOSURE 04/23/99 AR FEDERAL HOME LOAN MO 04/13/99 AR CHASE HOME HORTGAGE Q4/28/99 AR HOMEDEPOT/MBGA CREDI Q4/15/99 AR HOUSEHOLD RETAIL SER PAGE 1 OF 2 YXH

Case 2:00-cv-01218-RLH-LR	t 1-39406 5	Filed 10/5/6/00	Page 23 of 30
	continue	contii	

experian

Page 2 of 14

Questions? Call 800 583-4080 August 14, 1999 Report date

Report number 2850003314-0146664102

TOBY DINELSON Prepared for

Information affecting your creditworthiness

may have a potentially negative effect on your future credit extension and are Items listed with dashes before and after the number, for example -1-. fixted first on the report. Credit grantors may carefully review the items listed below when they check your credit history. Please note that the account information connected with some public records, such as bankruptcy, ako may appear with your credit accounts listed later in this report

Credit information about you

:	Source/ Account number (eucape iss few deits)	Date opened Reported since	Date ofstans/ Last reported	Type! Terms/ Monthly payment Responsibility	!	Crech firms or original amount/ Figh balance	Recent balance/ Recent payment Comments	Comments
EXHIBIT 9 .	-I- AT&T WIRELESS SERVICES 1600 SW 4TH AVE PORTLAND OR 97201 21 100000001828	2-1995/	12-1998/	Revolving/ 1 Months/ \$0	Individual	\$104	· ·	Status: paid/past due 30 days. Account history: 30 days as of 11-1998 This account is scheduled to continue record until 11-2005.
	CHASE MANHATTAN MORTGAGE 3415 VISION DR COLOMBUS OH 43219 3005830	2-1995/	2-1999/	Installment/ 30 Years/ \$0	Joint with ANTHONY \$119.950 / PROJETTI NA	\$119,950 / NA	<i>₹</i> 2	Status: paid/never late. This account is scheduled to continecord until 2-2006. This item was verified and updatec. 8-1999.

December 2, 1998

CERTIFIED MAIL RETURN RECEIPT REQUESTED

CREDIT BUREAU OF SOUTHERN NEVADA P.O. Box 29060 Las Vegas, Nevada 89126

Re: TOBY D. NELSON/CREDIT DISPUTE

Dear Sir:

Please be advised that this letter constitutes a formal request to investigate disputed matters in my recent Credit Report, and subsequently, appropriately delete/amend the same. For your convenience, I have provided the relevant portion of my recent Credit Profile.

I have never declared bankruptcy. The Chase Manhattan Mortgage Account was included in the bankruptcy of a joint obligor under the mortgage note. Please delete all references to the bankruptcy. It is impairing my credit. Do not verify unless you procure the actual bankruptcy filing bearing my name -- none exists!

Very truly yours,

Toby D. Nelson

Enclosure

. REPORT ON: NELSON, TOBY D. PAGE 3 OF SOCIAL SECURITY NUMBER: 436-41-9202

ACCOUNT INFORMATION, CONT.

DC729D012

MACYW/GECCCC # 575888091720 REVOLVING ACCOUNT

CHARGE ACCOUNT

VERIF'D 08/1998 BALANCE: \$0 INDIVIDUAL ACCOUNT

OPENED 06/1993 MOST OWED: \$0 CREDIT LIMIT: \$300 PAID OFF 07/1993 BRCL5B DL5758

STATUS AS OF 07/1993: PAID OR PAYING AS AGREED IN PRIOR 01 MONTH FROM DATE PAID NEVER LATE

OZ722T001

CHASE MORT # 3005830659 MORTGAGE ACCOUNT

INCLUDED IN BANKRUPTCY

CONVENTIONAL REAL ESTATE MTG \$0 VERIF'D 08/1998 BALANCE: PARTICIPANT ON ACCOUNT

OPENED 02/1995 MOST OWED: PAY TERMS: 360 MONTHLY \$1161 \$119950

CLOSED 12/1997 FRD801149088

STATUS AS OF 12/1997: UNRATED

U 63ZB004

AT&T WIRELES # 21100000001828904 OPEN ACCOUNT

CELLULAR

.

VERIF'D 08/1998 BALANCE: \$0 INDIVIDUAL ACCOUNT

OPENED 02/1995 MOST OWED: \$0

PAID OFF 06/1998

STATUS AS OF 06/1998: PAID OR PAYING AS AGREED

IN PRIOR 34 MONTHS FROM DATE PAID NEVER LATE

BC64DB003

CITIBK VISA # 4128003133847031 REVOLVING ACCOUNT

CREDIT CARD

VERIF'D 07/1998 BALANCE: \$5045 INDIVIDUAL ACCOUNT

OPENED 02/1991 PAY TERMS: MINIMUM \$105

CREDIT LIMIT: \$5100

STATUS AS OF 07/1998: PAID OR PAYING AS AGREED IN PRIOR 48 MONTHS FROM DATE VERIF'D NEVER LATE

OF235033A

HDMBGA/CDTCR # 72270138364 REVOLVING ACCOUNT

VERIF'D 06/1998 BALANCE: \$0 INDIVIDUAL ACCOUNT

OPENED 06/1998 MOST OWED: \$0 CREDIT LIMIT: \$2300 PAID OFF 06/1998 BRCG31 DL7227

STATUS AS OF 06/1998: PAID OR PAYING AS AGREED

IN PRIOR 01 MONTH FROM DATE PAID NEVER LATE:

CREDIT BUREAU CENTRAL
2355 RED ROCK ST. SUITE 200
LAS VEGAS, NV. 89102
702-871-3331

PAGE 1 OF 7 DATE THIS REPORT PRINTED: 01/08/1999

SOCIAL SECURITY NUMBER: 436-41-9202 BIRTH DATE: 08/1965

YOU HAVE BEEN IN OUR FILES SINCE: 10/1986

AKA: DNELSON, TOBY PHONE: 362-7702

CONSUMER REPORT FOR:

NELSON, TOBY D. 5320 WHITE COYOTE PL., LAS VEGAS NV. 89130

FORMER ADDRESSES REPORTED:

3151 KEY LARGO DR., LAS VEGAS NV. 89120 6115 W. HARMON, #35. LAS VEGAS NV. 89103

EMPLOYMENT DATA REPORTED:

cucos

DATE REPORTED: 06/1991

YOUR CREDIT INFORMATION

THE FOLLOWING ACCOUNTS CONTAIN INFORMATION WHICH SOME CREDITORS MAY CONSIDER TO BE ADVERSE. THE ADVERSE INFORMATION IN THESE ACCOUNTS HAS BEEN PRINTED IN >BRACKETS< FOR YOUR CONVENIENCE, TO HELP YOU UNDERSTAND YOUR REPORT. THEY ARE NOT BRACKETED THIS WAY FOR CREDITORS. (NOTE: THE ACCOUNT# MAY BE SCRAMBLED BY THE CREDITOR FOR YOUR PROTECTION).

QA624C137

CHRYS FIN CP

46489480

INSTALLMENT ACCOUNT

AUTOMOBILE

VERIF'D 11/1998 BALANCE:
OPENED 07/1994 MOST OWED:

\$3072 \$14085

INDIVIDUAL ACCOUNT
PAY TERMS: 60 MONTHLY \$361

\$:5

STATUS AS OF 11/1998: PAID OR PAYING AS AGREED

>IN PRIOR 53 MONTHS FROM DATE VERIF'D 2 TIMES 30 DAYS LATE<

THE FOLLOWING ACCOUNTS ARE REPORTED WITH NO ADVERSE INFORMATION

DC729D012

MACYW/GECCCC

575888091720

REVOLVING ACCOUNT

CHARGE ACCOUNT

VERIF'D 12/1998 BALANCE:

\$0

INDIVIDUAL ACCOUNT

OPENED 06/1993

MOST OWED:

\$0 CREDIT LIMIT:

\$300

PAID OFF 07/1993

BRCL5B DL5758

STATUS AS OF 07/1993: PAID OR PAYING AS AGREED IN PRIOR 01 MONTH FROM DATE PAID NEVER LATE

EXHIBIT 11

REPORT ON: NELSON, TOBY D. PAGE 2 OF SOCIAL SECURITY NUMBER: 436-41-9202

ACCOUNT INFORMATION, CONT.

H 1EWN001

HOMEPLCE/HSB # 6011659100413878 REVOLVING ACCOUNT

COMBINED CREDIT PLAN

. 45. 4

VERIF'D 12/1998 BALANCE: \$0 INDIVIDUAL ACCOUNT

OPENED 02/1995 MOST OWED: S0 CREDIT LIMIT: \$800

PAID OFF 02/1995

STATUS AS OF 02/1995: PAID OR PAYING AS AGREED TN PRIOR 01 MONTH FROM DATE PAID NEVER LATE

OZ722T001

CHASE MORT # 3005830659 MORTGAGE ACCOUNT

CONVENTIONAL REAL ESTATE MTG VERIF'D 12/1998

BALANCE: PARTICIPANT ON ACCOUNT \$0

OPENED 02/1995 MOST OWED: \$119950 PAY TERMS: 360 MONTHLY \$1161 CLOSED 12/1997 FRD801149088

STATUS AS OF 12/1997: UNRATED

UR63ZB004

AT&T WIRELES # 21100000001828904 OPEN ACCOUNT

CLOSED CELLULAR

VERIF'D 12/1998 BALANCE: \$0 INDIVIDUAL ACCOUNT

OPENED 02/1995 MOST OWED: \$0 CLOSED 11/1998

STATUS AS OF 11/1998: PAID OR PAYING AS AGREED

IN PRIOR 39 MONTHS FROM DATE CLOSED NEVER LATE

QF235033A

HDMBGA/CDTCR # 72270138364 REVOLVING ACCOUNT

VERIF'D 12/1998 BALANCE: \$2206 INDIVIDUAL ACCOUNT

06/1998 MOST OWED: OPENED \$2232 CREDIT LIMIT: \$2300

BRCG31 DL7227

STATUS AS OF 12/1998: PAID OR PAYING AS AGREED IN PRIOR 07 MONTHS FROM DATE VERIF'D NEVER LATE

DC6256407

SEARS # 784957317133 REVOLVING ACCOUNT

41. 41. 1

CHARGE ACCOUNT

VERIF'D 12/1998 BALANCE: \$218 INDIVIDUAL ACCOUNT

OPENED 10/1998 MOST OWED: \$220 PAY TERMS: MONTHLY \$10 CREDIT LIMIT: \$600

STATUS AS OF 12/1998: PAID OR PAYING AS AGREED IN PRIOR 03 MONTHS FROM DATE VERIF'D NEVER LATE

April 28, 2000

Reference: 2000042746562

Toby D. Nelson
5320 White Coyote Pl.
Las Vegas, NV 89130-1632

Dear Toby D. Nelson:

Thank you for applying for the AT&T Universal Card.

We have carefully considered your request for the AT&T Universal Card and regret we are unable to approve your application at this time due to the following:

Your credit report includes a bankruptcy

Our credit decision was influenced by information provided by the credit bureau listed below. Because the credit bureau did not make the decision to decline your request for the AT&T Universal Card, it is unable to provide you with additional information regarding the declination of your application. However, if you feel your credit report is inaccurate or incomplete, you have the right to dispute the information with the credit bureau. You can contact the credit bureau directly at 1 800 888-4213 or write to them at:

Trans Union Corporation 2 Baldwin Place P.O. Box 1000 Chester, PA 19022

You have the right under the Fair Credit Reporting Act to obtain a free copy of your credit bureau report if you contact the credit bureau within 60 days from the date of this letter.

Credit Department

Con not extend offer Fur lower interest rate of 1.9 %
Loss \$81000

EXHIBIT 12



CREDIT BUREAU CENTRAL 2355 RED ROCK ST. SUITE 200 LAS VEGAS, NV. 89102 702-871-3331

PAGE 1 OF A DATE THIS REPORT PRINTED: 05/11/2000

SOCIAL SECURITY NUMBER: 436-41-9202

BIRTH DATE: 08/1965

YOU HAVE BEEN IN OUR FILES SINCE: 10/1986

AKA: DNELSON. TOBY PHONE: 362-7702

CONSUMER REPORT FOR:

NELSON, TOBY D. 5320 WHITE COYOTE PL.. LAS VEGAS NV. 89130

FORMER ADDRESSES REPORTED:

3151 KEY LARGO DR., LAS VEGAS NV. 89120 6115 W. HARMON, #35. LAS VEGAS NV. 89103

EMPLOYMENT DATA REPORTED:

MGM GRAND HOTEL DATE REPORTED: 05/2000 CUCOS

SALARY:

\$0

; **c**

DATE REPORTED: 06/1991

YOUR CREDIT INFORMATION

THE FOLLOWING ACCOUNTS CONTAIN INFORMATION WHICH SOME CREDITORS MAY CONSIDER TO BE ADVERSE. THE ADVERSE INFORMATION IN THESE ACCOUNTS HAS BEEN PRINTED IN >BRACKETS FOR YOUR CONVENIENCE, TO HELP YOU UNDERSTAND YOUR REPORT. THEY ARE NOT BRACKETED THIS WAY FOR CREDITORS. (NOTE: THE ACCOUNT# MAY BE SCRAMBLED BY THE CREDITOR FOR YOUR PROTECTION).

QZ722T001

CHASE MORT # 3005830659

INCLUDED IN BANKRUPTCY<
UPDATED 04/2000 BALANCE:
OPENED 02/1995 MOST OWED

MORTGAGE ACCOUNT

CONVENTIONAL REAL ESTATE MTG

\$0 PARTICIPANT ON ACCOUNT

MOST OWED: \$119950

PAY TERMS: 360 MONTHLY

12/1997 CLOSED

STATUS AS OF 12/1997: UNRATED

FREDDIE MAC # 801149088

NO PRIOR 01 MONTH FROM DATE CLOSED 1 TIME 120 OR MORE DAYS LATE < MAXIMUM DELINQUENCY OF 120+ DAYS OCCURRED IN 12/1997<

OA624C137

CHRYS FIN CP

46489480

INSTALLMENT ACCOUNT

AUTOMOBILE

CLOSED UPDATED 11/1999

BALANCE:

INDIVIDUAL ACCOUNT

MOST OWED: 07/1994 OPENED

\$14085

PAY TERMS: 60 MONTHLY

STATUS AS OF 11/1999: PAID OR PAYING AS AGREED

>IN PRIOR 48 MONTHS FROM DATE VERIF'D 2 TIMES 30 DAYS LATE<

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EXHIBIT 13